

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

MATEO MORALES,

Defendant.

ORDER

07-cr-166-bbc

The United States Magistrate Judge has entered a report and recommendation on May 28, 2008, recommending denial of defendant Mateo Morales's motion to quash the indictment on the ground of double jeopardy. Having reviewed the recommendation, defendant's brief in support of the motion and his objection, I will adopt the magistrate judge's recommendation and deny defendant's motion to quash the indictment.

It is clear that the law of this circuit does not recognize a prison disciplinary proceeding and subsequent punishment as a bar to a criminal prosecution for the same offense. There is no need to expand upon this holding in the absence of any indication that

the court of appeals is likely to reverse it.

ORDER

IT IS ORDERED that defendant Mateo Morales's motion to quash the indictment against him on the ground of double jeopardy is DENIED.

Entered this 11th day of June, 2008.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge